

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 12, 2015

The Senate convened at 9:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by Senate page Kiera Leddy.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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MOTIONS AND RESOLUTIONS

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Sen. Rave moved that the Senate do not concur in House amendments to SB 69 and that a committee of three on the part of the Senate be appointed to meet with a like committee on the part of the House to adjust the differences between the two houses.

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Which motion prevailed and the President announced as such committee Sens. Otten (Ernie), Solano, and Bradford.

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ANNOUNCEMENT

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The President announced that Sen. Novstrup has been appointed to replace Sen. Rusch on the Conference Committee for HB 1140.

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Sen. Otten (Ernie) moved that the Senate do now recess until 10:30 a.m., which motion prevailed and at 9:25 a.m., the Senate recessed.

12

RECESS

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The Senate reconvened at 10:35 a.m., the President presiding.

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MESSAGES FROM THE HOUSE

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MR. PRESIDENT:

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I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to HB 1110 and has appointed Reps. Gosch, Johns, and Kaiser as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

20

Also MR. PRESIDENT:

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I have the honor to inform your honorable body that the House has failed to concur in Senate amendments to HB 1192 and has appointed Reps. Stevens, Qualm, and Werner as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has failed to concur in
3 Senate amendments to HB 1228 and has appointed Reps. Cronin, Dryden, and Novstrup (Al)
4 as a committee of three on the part of the House to meet with a like committee on the part of the
5 Senate to adjust the differences between the two houses.

6 Also MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has failed to concur in
8 Senate amendments to HB 1191 and has appointed Reps. Mickelson, Solum, and Killer as a
9 committee of three on the part of the House to meet with a like committee on the part of the
10 Senate to adjust the differences between the two houses.

11 ANNOUNCEMENTS

12 The President announced Sens. Rave, Otten (Ernie), and Sutton as a committee of three on
13 the part of the Senate to meet with a like committee on the part of the House to adjust the
14 differences between the two houses on HB 1110.

15 The President announced Sens. Cammack, Ewing, and Buhl O'Donnell as a committee of
16 three on the part of the Senate to meet with a like committee on the part of the House to adjust
17 the differences between the two houses on HB 1192.

18 The President announced Sens. Tidemann, White, and Sutton as a committee of three on
19 the part of the Senate to meet with a like committee on the part of the House to adjust the
20 differences between the two houses on HB 1228.

21 The President announced Sens. Tieszen, Monroe, and Heinert as a committee of three on
22 the part of the Senate to meet with a like committee on the part of the House to adjust the
23 differences between the two houses on HB 1191.

24 Sen. Soholt moved that the Senate do now recess until 11:30 a.m., which motion prevailed
25 and at 10:40 a.m., the Senate recessed.

26 RECESS

27 The Senate reconvened at 11:30 a.m., the President presiding.

1 Sen. Otten (Ernie) moved that the Senate do now recess until 12:30 p.m., which motion
2 prevailed and at 11:31 a.m., the Senate recessed.

3 **RECESS**

4 The Senate reconvened at 12:30 p.m., the President presiding.

5 Sen. Ewing moved that the Senate do now recess until 1:30 p.m., which motion prevailed
6 and at 12:31 p.m., the Senate recessed.

7 **RECESS**

8 The Senate reconvened at 1:36 p.m., the President presiding.

9 Sen. Van Gerpen moved that the Senate do now recess until 3:30 p.m., which motion
10 prevailed and at 1:38 p.m., the Senate recessed.

11 **RECESS**

12 The Senate reconvened at 3:48 p.m., the President presiding.

13 There being no objection, the Senate reverted to Order of Business No. 4.

14 **COMMUNICATIONS AND PETITIONS**

15 March 11, 2015

16 Mr. President and Members of the Senate:

17 I have the honor to inform you that on March 11, 2015, I approved Senate Bills 24, 30, 37,
18 41, 45, 47, 49, 63, 94, 113, and 118, and the same have been deposited in the office of the
19 Secretary of State.

20 Respectfully submitted,
21 Dennis Daugaard
22 Governor

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1 On page 1, delete line 3.

2 Respectfully submitted,
3 Mike Stevens
4 House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

5 Cc53a

6 Also MR. PRESIDENT:

7 The Conference Committee respectfully reports that it has considered SB 53 and the
8 amendments thereto made by the House, and the disagreement of the two houses thereon, and
9 recommends that all amendments be deleted, thus restoring the bill to its printed version.

10 Respectfully submitted,
11 Justin Cronin
12 House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

13 Cc54a

14 Also MR. PRESIDENT:

15 The Conference Committee respectfully reports that it has considered SB 54 and the
16 amendments thereto made by the House, and the disagreement of the two houses thereon, and
17 recommends that all House amendments be deleted, thus restoring the bill to its printed version.

18 Respectfully submitted,
19 Justin Cronin
20 House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

21 Cc1110a

22 Also MR. PRESIDENT:

23 The Conference Committee respectfully reports that it has considered HB 1110 and the
24 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
25 recommends that HB 1110 be amended as follows:

26 1110oa

27 On the Senate Appropriations Committee engrossed bill, delete everything after the
28 enacting clause and insert:

29 "Section 1. That § 16-6-1 be amended to read as follows:

1 16-6-1. The number of circuit judges of each of the judicial circuits established by § 16-5-
2 1.2 is as follows:

- 3 (1) First Circuit: Six circuit judges;
4 (2) Second Circuit: ~~Ten~~ Eleven circuit judges;
5 (3) Third Circuit: Six circuit judges;
6 (4) Fourth Circuit: Four circuit judges;
7 (5) Fifth Circuit: Four circuit judges;
8 (6) Sixth Circuit: Four circuit judges;
9 (7) Seventh Circuit: ~~Seven~~ Eight circuit judges."

10
1110ota

11 On page 1, line 1, of the Senate Appropriations Committee engrossed bill, delete
12 everything after "Act to" and insert "increase the number of judges in the Second and Seventh
13 Judicial Circuits."

14 On page 1, delete line 2.

15 Respectfully submitted,
16 Brian Gosch
17 House Committee Chair

Respectfully submitted,
Tim Rave
Senate Committee Chair

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Cc179a

19 Also MR. PRESIDENT:

20 The Conference Committee respectfully reports that it has considered SB 179 and the
21 amendments thereto made by the House, and the disagreement of the two houses thereon, and
22 recommends that SB 179 be amended as follows:

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179re

24 On page 1 of the House engrossed bill, delete lines 13 and 14.

25 On page 1, line 15, delete "2017" and insert "after June 30, 2015".

26 Respectfully submitted,
27 Brian Gosch
28 House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

1 Cc152a

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered SB 152 and the
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and
5 recommends that SB 152 be amended as follows:

6 152ma

7 On page 1, line 4, of the House Appropriations Committee engrossed bill, delete "five
8 hundred" and insert "seven hundred fifty thousand dollars (\$750,000)".

9 On page 1, line 5, delete "thousand dollars (\$500,000)".

10 Respectfully submitted,
11 Don Haggar
12 House Committee Chair

Respectfully submitted,
Deb Soholt
Senate Committee Chair

13 Cc140a

14 Also MR. PRESIDENT:

15 The Conference Committee respectfully reports that it has considered SB 140 and the
16 amendments thereto made by the House, and the disagreement of the two houses thereon, and
17 recommends that they do not concur with the House amendments to SB 140 and do not appoint
18 a new committee.

19 Respectfully submitted,
20 Jim Bolin
21 House Committee Chair

Respectfully submitted,
Jim White
Senate Committee Chair

22 Cc1228a

23 Also MR. PRESIDENT:

24 The Conference Committee respectfully reports that it has considered HB 1228 and the
25 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
26 recommends that HB 1228 be amended as follows:

27 1228ca

28 On page 1, line 6, of the Senate Appropriations Committee engrossed bill, delete "and".

29 On page 1, line 6, after "oversight" insert ", and collection".

1 On page 1, line 7, delete everything after "Dakota." .

2 On page 1, line 10, delete everything after "center" .

3 On page 1, line 11, delete "South Dakota".

4 On page 3, line 18, delete everything after "into" and insert "the general fund and the
5 operations of the center".

6 On page 3, line 19, delete everything before "and" .

7 On page 3, line 21, delete "retain the cost recovery fee and".

8 Respectfully submitted,
9 Justin Cronin
10 House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

11 Cc1190a

12 Also MR. PRESIDENT:

13 The Conference Committee respectfully reports that it has considered HB 1190 and the
14 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
15 recommends that HB 1190 be amended as follows:

16 1190nd

17 On page 1, line 7, of the Senate engrossed bill, delete "one million five" and insert "one
18 million six hundred fifty-five thousand eight hundred seventy-seven dollars (\$1,655,877) and
19 the sum of five hundred six thousand one hundred forty dollars (\$506,140) in federal fund
20 expenditure authority,".

21 On page 1, delete lines 8 and 9.

22 Respectfully submitted,
23 Kris Langer
24 House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

25 Cc95a

26 Also MR. PRESIDENT:

27 The Conference Committee respectfully reports that it has considered SB 95 and the
28 amendments thereto made by the House, and the disagreement of the two houses thereon, and
29 recommends that SB 95 be amended as follows:

1 95re

2 The House engrossed bill, delete amendment (95th), thus restoring the bill the to Senate
3 Judiciary Committee engrossed version.

4 On page 1, line 13, overstrike "kidnaping" and insert "kidnapping".

5	Respectfully submitted,	Respectfully submitted,
6	Scott Craig	Ried Holien
7	House Committee Chair	Senate Committee Chair

8 Cc174a

9 Also MR. PRESIDENT:

10 The Conference Committee respectfully reports that it has considered SB 174 and the
11 amendments thereto made by the House, and the disagreement of the two houses thereon, and
12 recommends that all amendments be deleted, thus restoring the bill to its printed version.

13	Respectfully submitted,	Respectfully submitted,
14	Jim Bolin	Craig Tieszen
15	House Committee Chair	Senate Committee Chair

16 Cc92a

17 Also MR. PRESIDENT:

18 The Conference Committee respectfully reports that it has considered SB 92 and the
19 amendments thereto made by the House, and the disagreement of the two houses thereon, and
20 recommends that SB 92 be amended as follows:

21 92db

22 On page 1, line 4, of the House engrossed bill, delete "two dollars (\$2)" and insert "one
23 hundred fifty thousand dollars (\$150,000)".

24	Respectfully submitted,	Respectfully submitted,
25	Dean Wink	Tim Rave
26	House Committee Chair	Senate Committee Chair

1 Cc106a

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered SB 106 and the
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and
5 recommends that they do not concur with the House amendments to SB 106 and do not appoint
6 a new committee.

7 Respectfully submitted,
8 G. Mark Mickelson
9 House Committee Chair

Respectfully submitted,
Ernie Otten
Senate Committee Chair

10 Cc1140a

11 Also MR. PRESIDENT:

12 The Conference Committee respectfully reports that it has considered HB 1140 and the
13 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
14 recommends that all Senate amendments be deleted, thus restoring the bill to the House
15 Judiciary engrossed version.

16 Respectfully submitted,
17 Timothy Johns
18 House Committee Chair

Respectfully submitted,
Craig Tieszen
Senate Committee Chair

19 Cc1192a

20 Also MR. PRESIDENT:

21 The Conference Committee respectfully reports that it has considered HB 1192 and the
22 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
23 recommends that HB 1192 be amended as follows:

24 1192fa

25 On page 1, line 4, of the Senate Appropriations Committee engrossed bill, delete "five
26 hundred" and insert "three hundred fifty thousand dollars (\$350,000)".

27 On page 1, line 5, delete everything before "or" .

28 Respectfully submitted,
29 Mike Stevens
30 House Committee Chair

Respectfully submitted,
Gary Cammack
Senate Committee Chair

1 Cc91a

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered SB 91 and the
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and
5 recommends that SB 91 be amended as follows:

6 91db

7 On page 1, line 4, of the House engrossed bill, delete "two dollars (\$2)" and insert "one
8 hundred fifty thousand dollars (\$150,000)".

9 Respectfully submitted,
10 G. Mark Mickelson
11 House Committee Chair

Respectfully submitted,
Tim Rave
Senate Committee Chair

12 Cc176a

13 Also MR. PRESIDENT:

14 The Conference Committee respectfully reports that it has considered SB 176 and the
15 amendments thereto made by the House, and the disagreement of the two houses thereon, and
16 recommends that they do not concur with the House amendments and do not appoint a new
17 committee.

18 Respectfully submitted,
19 Steve Westra
20 House Committee Chair

Respectfully submitted,
Tim Rave
Senate Committee Chair

21 Cc1147a

22 Also MR. PRESIDENT:

23 The Conference Committee respectfully reports that it has considered HB 1147 and the
24 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
25 recommends that the House do concur with the Senate amendments.

26 Respectfully submitted,
27 David Anderson
28 House Committee Chair

Respectfully submitted,
Ried Holien
Senate Committee Chair

1 Cc1191a

2 Also MR. PRESIDENT:

3 The Conference Committee respectfully reports that it has considered HB 1191 and the
4 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
5 recommends that the House do concur with the Senate amendments.

6 Respectfully submitted,
7 G. Mark Mickelson
8 House Committee Chair

Respectfully submitted,
Craig Tieszen
Senate Committee Chair

9 **MESSAGES FROM THE HOUSE**

10 MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has failed to adopt the
12 report of the Conference Committee on SB 109 and has appointed Reps. Stevens, Hunhoff
13 (Jean), and McCleerey as a new committee of three on the part of the House to meet with a like
14 committee on the part of the Senate to adjust the differences between the two houses.

15 Also MR. PRESIDENT:

16 I have the honor to inform your honorable body that the House has appointed Reps.
17 Mickelson, Bolin, and Hawley as a committee of three on the part of the House to meet with a
18 like committee on the part of the Senate to adjust the differences between the two houses on
19 SB 69.

20 Respectfully,
21 Arlene Kvislen, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Rave moved that SB 67 be placed to follow 1190 on today's calendar.

24 Which motion prevailed.

25 Sen. Rave moved that a committee of three on the part of the Senate be appointed to meet
26 with a like committee on the part of the House to wait upon his Excellency, the Governor, to
27 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to
28 ascertain if he has any further communications to make to the Legislature.

Which motion prevailed and the President announced as such committee Sens. Brown, Rave, and Sutton.

Sen. Rave moved that a committee of three on the part of the Senate be appointed to meet with a like committee on the part of the House pertaining to fixing the time of adjournment sine die for the Ninetieth Legislative Session.

Which motion prevailed and the President announced as such committee Sens. Otten, Soholt, and Sutton.

Sen. Rave moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on Friday, March 13, the 38th legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES

Sen. Rave moved that the report of the Joint-Select Committee relative to making arrangements for the legislative days for the Ninety-first Legislative Session as found on page 679 of the Senate Journal be adopted.

Which motion prevailed.

Sen. Rave moved that the report of the Joint-Select Committee relative to the Joint Rules for the Ninety-first Legislative Session as found on page 679 of the Senate Journal be adopted.

The question being on Sen. Rave's motion that the report of the Joint-Select Committee relative to the Joint Rules for the Ninety-first Legislative Session be adopted.

And the roll being called:

Yeas 31, Nays 0, Excused 4, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Excused:

Lederman; Otten (Ernie); Rusch; Solano

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 President declared the motion carried.

3 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

4 Sen. Tidemann moved that the Senate do not adopt the report of the Conference Committee
5 on SB 109 as found on page 689 of the Senate Journal and appoint a new committee.

6 Which motion prevailed and the President announced as such committee Sens. Tidemann,
7 Van Gerpen, and Parsley

8 Sen. Holien moved that the report of the Conference Committee on SB 95 as found on page
9 693 of the Senate Journal be adopted.

10 The question being on Sen. Holien's motion that the report of the Conference Committee
11 on SB 95 be adopted.

12 And the roll being called:

13 Yeas 30, Nays 0, Excused 5, Absent 0

14 Yeas:

15 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
16 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
17 Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave;
18 Soholt; Sutton; Tieszen; Van Gerpen; Vehle; White

19 Excused:

20 Lederman; Otten (Ernie); Rusch; Solano; Tidemann

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried and the report was adopted.

23 Sen. Peters moved that the report of the Conference Committee on SB 54 as found on page
24 690 of the Senate Journal be adopted.

25 The question being on Sen. Peters' motion that the report of the Conference Committee on
26 SB 54 be adopted.

27 And the roll being called:

28 Yeas 30, Nays 0, Excused 5, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave;
5 Soholt; Sutton; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Lederman; Otten (Ernie); Rusch; Solano; Tidemann

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and the report was adopted.

10 Sen. Rave moved that SB 106 and 179 be placed to follow 140 on today's calendar.

11 Which motion prevailed.

12 Sen. Peters moved that the report of the Conference Committee on SB 53 as found on page
13 690 of the Senate Journal be adopted.

14 The question being on Sen. Peters' motion that the report of the Conference Committee on
15 SB 53 be adopted.

16 And the roll being called:

17 Yeas 26, Nays 7, Excused 2, Absent 0

18 Yeas:

19 Brown; Buhl O'Donnell; Cammack; Curd; Greenfield (Brock); Haggar (Jenna); Haverly;
20 Heineman (Phyllis); Heinert; Holien; Monroe; Novstrup (David); Omdahl; Otten (Ernie);
21 Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Soholt; Solano; Tidemann; Tieszen; Van
22 Gerpen; Vehle; White

23 Nays:

24 Bradford; Ewing; Frerichs; Hunhoff (Bernie); Jensen (Phil); Olson; Sutton

25 Excused:

26 Lederman; Rusch

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 President declared the motion carried and the report was adopted.

29 There being no objection, the Senate reverted to Order of Business No. 7.

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Lederman; Rusch

8 So the motion having received an affirmative vote of a two-thirds majority of the members-
9 elect, the President declared the motion carried and the report was adopted.

10 Sen. Rave moved that SB 176 be placed to precede 152 on today's calendar.

11 Which motion prevailed.

12 Sen. Rave moved that the report of the Conference Committee on SB 176 as found on page
13 696 of the Senate Journal be adopted.

14 The question being on Sen. Rave's motion that the report of the Conference Committee on
15 SB 176 be adopted.

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
20 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
22 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Lederman; Rusch

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 President declared the motion carried and the report was adopted.

27 Sen. Soholt moved that the report of the Conference Committee on SB 152 as found on
28 page 692 of the Senate Journal be adopted.

29 The question being on Sen. Soholt's motion that the report of the Conference Committee
30 on SB 152 be adopted.

31 And the roll being called:

1 Yeas 32, Nays 0, Excused 3, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
4 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
5 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
6 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; White

7 Excused:

8 Lederman; Rusch; Vehle

9 So the motion having received an affirmative vote of a two-thirds majority of the members-
10 elect, the President declared the motion carried and the report was adopted.

11 Sen. Tieszen moved that the report of the Conference Committee on SB 174 as found on
12 page 694 of the Senate Journal be adopted.

13 The question being on Sen. Tieszen's motion that the report of the Conference Committee
14 on SB 174 be adopted.

15 And the roll being called:

16 Yeas 33, Nays 0, Excused 2, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
19 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
20 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
21 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

22 Excused:

23 Lederman; Rusch

24 So the motion having received an affirmative vote of a two-thirds majority of the members-
25 elect, the President declared the motion carried and the report was adopted.

26 Sen. Otten (Ernie) moved that the report of the Conference Committee on SB 106 as found
27 on page 695 of the Senate Journal be adopted.

28 The question being on Sen. Otten's (Ernie) motion that the report of the Conference
29 Committee on SB 106 be adopted.

30 And the roll being called:

31 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Lederman; Rusch

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and the report was adopted.

10 Sen. Tidemann moved that the report of the Conference Committee on SB 179 as found
11 on page 691 of the Senate Journal be adopted.

12 The question being on Sen. Tidemann's motion that the report of the Conference
13 Committee on SB 179 be adopted.

14 And the roll being called:

15 Yeas 33, Nays 0, Excused 2, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
18 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
19 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
20 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

21 Excused:

22 Lederman; Rusch

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and the report was adopted.

25 Sen. Tieszen moved that the report of the Conference Committee on HB 1140 as found on
26 page 695 of the Senate Journal be adopted.

27 The question being on Sen. Tieszen's motion that the report of the Conference Committee
28 on HB 1140 be adopted.

29 And the roll being called:

30 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Lederman; Rusch

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and the report was adopted.

10 Sen. Holien moved that the report of the Conference Committee on HB 1147 as found on
11 page 696 of the Senate Journal be adopted.

12 The question being on Sen. Holien's motion that the report of the Conference Committee
13 on HB 1147 be adopted.

14 And the roll being called:

15 Yeas 32, Nays 0, Excused 3, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
18 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
19 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
20 Rampelberg; Rave; Soholt; Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

21 Excused:

22 Lederman; Rusch; Tidemann

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and the report was adopted.

25 Sen. Peters moved that the report of the Conference Committee on HB 1190 as found on
26 page 693 of the Senate Journal be adopted.

27 The question being on Sen. Peters' motion that the report of the Conference Committee on
28 HB 1190 be adopted.

29 And the roll being called:

30 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Lederman; Rusch

8 So the motion having received an affirmative vote of a two-thirds majority of the members-
9 elect, the President declared the motion carried and the report was adopted.

10 Sen. Rave moved that the report of the Conference Committee on HB 1110 as found on
11 page 690 of the Senate Journal be adopted.

12 The question being on Sen. Rave's motion that the report of the Conference Committee on
13 HB 1110 be adopted.

14 And the roll being called:

15 Yeas 30, Nays 3, Excused 2, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
18 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Monroe; Novstrup (David); Omdahl;
19 Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Soholt; Solano; Sutton;
20 Tidemann; Tieszen; Van Gerpen; Vehle; White

21 Nays:

22 Greenfield (Brock); Jensen (Phil); Olson

23 Excused:

24 Lederman; Rusch

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 President declared the motion carried and the report was adopted.

27 Sen. Cammack moved that the report of the Conference Committee on HB 1192 as found
28 on page 695 of the Senate Journal be adopted.

29 The question being on Sen. Cammack's motion that the report of the Conference
30 Committee on HB 1192 be adopted.

31 And the roll being called:

32 Yeas 31, Nays 2, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggart (Jenna);
3 Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe;
4 Novstrup (David); Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave;
5 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Buhl O'Donnell; Olson

8 Excused:

9 Lederman; Rusch

10 So the motion having received an affirmative vote of a two-thirds majority of the members-
11 elect, the President declared the motion carried and the report was adopted.

12 Sen. Tieszen moved that the report of the Conference Committee on HB 1191 as found on
13 page 697 of the Senate Journal be adopted.

14 The question being on Sen. Tieszen's motion that the report of the Conference Committee
15 on HB 1191 be adopted.

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
20 Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
22 Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Lederman; Rusch

25 So the motion having received an affirmative vote of a two-thirds majority of the members-
26 elect, the President declared the motion carried and the report was adopted.

27 There being no objection, the Senate reverted to Order of Business No. 5.

REPORTS OF CONFERENCE COMMITTEES

Cc181a

MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 181 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that they do not concur with the House amendments to SB 181 and do not appoint a new committee.

Respectfully submitted,
Dan Dryden
House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

Cc190a

Also MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 190 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 190 be amended as follows:

190cf

On the House State Affairs Committee engrossed bill, delete amendment (190cb), thus restoring the bill to the Senate State Affairs Committee engrossed version.

On page 3, line 11 of the Senate State Affairs Committee engrossed version, after "analysis" insert "subject to the general care management provisions of the plan".

On page 3, line 13, delete everything after "shall" and insert "provide an annual maximum benefit that may not be less than the following:".

On page 3, delete line 14.

On page 4, between line 9 and 10, insert:

"Section 8. Nothing in this Act may be construed to affect any obligation to provide services to a person under an individualized family service plan, an individualized education program, or an individualized service plan.".

On page 4, after line 13, insert:

"Section 9. There is hereby established the Applied Behavior Analysis Provider Workgroup, operated under the Department of Human Services, to advise and make

1 recommendations to the Governor and the Legislature regarding the certification and licensure
2 of applied behavior analysis therapy providers.

3 The workgroup shall consist of the following members appointed by the Governor by July 1,
4 2015: two members of the Senate; two members of the House of Representatives; two persons
5 who have a family member with autism spectrum disorder; two persons who are behavior
6 analysts certified by the National Behavior Analyst Certification Board, including one at a
7 supervisory level; one licensed healthcare provider who provides other medical or therapy
8 services to children with autism spectrum disorder; one representative from the Department of
9 Human Services; one representative from the Department of Social Services; one representative
10 from the Department of Education; one representative from the Department of Labor and
11 Regulation; two persons representing health insurance carriers who offer health coverage in the
12 state of South Dakota; and one person who serves as an executive director of a medical or
13 therapy licensing board. The Department of Human Services representative will chair the
14 workgroup.

15 The workgroup shall make a final report including a record of its discussions and
16 recommendations to the Governor and to the Legislature by December 1, 2015."

17 190ctc

18 On page 1, line 1, of the House State Affairs Committee engrossed bill, before "." insert
19 ", and to establish the Applied Behavior Analysis Provider Workgroup".

20 Respectfully submitted,
21 Scott Munsterman
22 House Committee Chair

Respectfully submitted,
Tim Rave
Senate Committee Chair

23 MESSAGE FROM THE HOUSE

24 MR. PRESIDENT:

25 I have the honor to inform your honorable body that the House has adopted the reports of
26 the Conference Committees on SB 53, 54, 179, and 152 and HB 1228.

27 Respectfully,
28 Arlene Kvislen, Chief Clerk

29 CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

30 Sen. Tidemann moved that the report of the Conference Committee on SB 181 as found
31 on page 708 of the Senate Journal be adopted.

1 The question being on Sen. Tidemann's motion that the report of the Conference
2 Committee on SB 181 be adopted.

3 And the roll being called:

4 Yeas 23, Nays 10, Excused 2, Absent 0

5 Yeas:

6 Bradford; Brown; Cammack; Curd; Ewing; Haggar (Jenna); Haverly; Heineman (Phyllis);
7 Holien; Monroe; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Soholt; Solano;
8 Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Nays:

10 Buhl O'Donnell; Frerichs; Greenfield (Brock); Heinert; Hunhoff (Bernie); Jensen (Phil);
11 Novstrup (David); Olson; Peterson (Jim); Sutton

12 Excused:

13 Lederman; Rusch

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 President declared the motion carried and the report was adopted.

16 Sen. Rave moved that the report of the Conference Committee on SB 190 as found on page
17 708 of the Senate Journal be adopted.

18 The question being on Sen. Rave's motion that the report of the Conference Committee on
19 SB 190 be adopted.

20 And the roll being called:

21 Yeas 32, Nays 1, Excused 2, Absent 0

22 Yeas:

23 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
24 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Monroe;
25 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
26 Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

27 Nays:

28 Jensen (Phil)

29 Excused:

30 Lederman; Rusch

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 President declared the motion carried and the report was adopted.

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1 HB 1049: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding
2 reversions of appropriations for a repealed tax refund program.

3 HB 1185: FOR AN ACT ENTITLED, An Act to make an appropriation for property and
4 casualty loss coverage, to establish the property and casualty captive insurance company fund
5 for state properties, and to declare an emergency.

6 HB 1186: FOR AN ACT ENTITLED, An Act to revise an appropriation made to the
7 Science and Technology Authority.

8 HB 1187: FOR AN ACT ENTITLED, An Act to make an appropriation for liability
9 coverage for the South Dakota Building Authority, South Dakota Health and Educational
10 Facilities Authority, South Dakota Housing Development Authority, South Dakota Ellsworth
11 Development Authority, and South Dakota Educational Enhancement Funding Corporation, to
12 establish the liability captive insurance company fund, and to declare an emergency.

13 HB 1225: FOR AN ACT ENTITLED, An Act to prohibit the unauthorized commercial use
14 of a personality's right of publicity and provide a civil remedy therefor.

15 And signed the same in the presence of the Senate.

16 Sen. Solano moved that the Senate do now adjourn, which motion prevailed and at
17 5:27 p.m. the Senate adjourned.

18 Kay Johnson, Secretary